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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,250	12/28/1998	JAY S. WALKER	WD2-98-057	4901

22927 7590 06/20/2003

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EXAMINER
RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
2613	21

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/221,250	WALKER ET AL.	
	Examiner	Art Unit	
	Andy S. Rao	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *182-225* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *182-225* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. As per the Applicant's instructions filed in 3/27/03 as Paper 20, claims 1-181 have been canceled, and claims 182-225 have been added.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on 3/27/03 as Paper 19 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/27/03 as Paper 20 has been entered.

Response to Amendment

3. Applicant's arguments with respect to claims 182-225 as filed in Paper 20 on 3/27/03 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 182-191, 194-202, and 205-223 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang.

Chang discloses a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: obtaining at a server from a sensor located a remote location (Chang: column 4, lines 26-50), an image of the remote location (Chang: column 3, lines 50-65); providing an image to a remote viewer of a viewer device (Chang: column 4, lines 50-57); determining a response of the remote viewer to the image (Chang: column 5, lines 1-5); determining, based on the response, a status of the remote location (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a secondrespones (Chang: column 5, lines 1-5), as in claim 182.

Regarding claims 183-185, Chang discloses notifying a person charged with the security of the remote location (Chang: column 4, lines 49-51), as in the claims.

Regarding claim 186, Chang discloses providing images to at least one other viewer of another viewer device (Chang: column 4, lines 20-30), as in the claim.

Regarding claims 187-188, Chang discloses causing a payment to be provided to the remote viewer of the viewer device (Chang: column 6, lines 20-35), as in the claims.

Regarding claim 189, Chang discloses determining that the security of the remote location has been potentially impaired if the response is a first response (Chang: column 5, lines 1-5), as in the claim.

Regarding claims 190-191, Chang discloses that the response is received in response to a query provided to the remote viewer (Chang: column 5, lines 25-45), as in the claims.

Chang discloses a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: receiving (Chang: column 4, lines 30-35), at a server from a user of a remote device (Chang: column 4, lines 45-50), a response to data descriptive of a remote location that was provided to the user (Chang: column 4, lines 1-3); determining, by the server, a status of the remote location based on the response (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a second response (Chang: column 5, lines 1-5); and initiating a predetermined action if the status is determined to be a first status (Chang: column 5, lines 25-35), as in claim 194.

Regarding claim 195, Chang discloses the data as image data (Chang: column 3, lines 50-65), as in the claim.

Regarding claim 196, Chang discloses providing the data to the user by the server (Chang: column 5, lines 35-45), as in the claim.

Regarding claim 197, Chang discloses providing the data to the user by a computing device other than the server (Chang: column 5, lines 65-67; column 6, lines 1-5), as in the claim.

Regarding claim 198, Chang discloses determining, by the server, and based on the response, whether the security of the remote location has potentially been impaired (Chang: column 5, lines 1-5) based on a first response (Chang: column 5, lines 6-24) and a second response (Chang: column 6, lines 45-55), as in the claim.

Regarding claims 199-200, Chang discloses notifying a person charged with the security of the remote location (Chang: column 4, lines 49-51), as in the claims.

Regarding claim 201, Chang discloses transmitting an alarm signal (Chang: column 5, lines 30-35) to a predetermined computing device (Chang: column 6, lines 1-5), as in the claim

Regarding claim 202, Chang discloses causing a payment to be provided to the remote viewer of the viewer device (Chang: column 6, lines 20-35), as in the claim.

Chang discloses a method for monitoring the security of a remote location (Chang: column 3, lines 5-20), comprising: fowarding (Chang: column 4, lines 26-50) the image (Chang: column 3, lines 50-65) to a first viewer remote viewer of a first viewer (Chang: column 4, lines 50-57); querying the first viewer to determine whether the first viewer perceives in the first image an apparent impairment of the security of remote location (Chang: column 5, lines 1-5); receiving a response to the query from the first viewer (Chang: column 4, lines 1-5); determining if the security of the remote location has apparently been impaired if the response indicates that the first viewer does perceive an apparent impairment of the security of the remote location (Chang: column 5, lines 1-5); and initiating a predetermined action if the response indicates that the first viewer does perceive an apparent impairment of the security of the location (Chang: column 4, lines 13-17), as in claim 205.

Regarding claims 206-208, Chang discloses determining whether the first viewer perceives a person accessing the remote location (Chang: column 5, lines 15-20), as in the claims.

Regarding claim 209, Chang discloses determining whether the first viewer perceives a vehicle at the remote location (Chang: column 4, lines 3-7: "large items being transported..."), as in the claim.

Regarding claims 210-212, Chang discloses determining whether the first viewer does perceive an apparent impairment of the security of the remote location (Chang: column 5, lines 1-5), as in the claims.

Regarding claims 213-215, Chang discloses forwarding the first image to a second viewer of a second viewer device (Chang: column 4, lines 20-30), as in the claims.

Regarding claims 216-218, Chang discloses obtaining, at the server from the sensor, a second image of the remote location (Chang: column 3, lines 50-60), as in the claims.

Regarding claims 219-220, Chang disclose transmitting an alarm (Chang: column 5, lines 30-35), from the server to a predetermined computing device (Chang: column 6, lines 1-3) that indicates if the second viewer does perceive in the second image an apparent impairment of the security of the remote location (Chang: column 5, lines 1-5), as in the claims.

Regarding claims 221-222, Chang discloses querying the first viewer to determine whether the first viewer perceives an unauthorized person (Chang: column 5, lines 15-20) and an unauthorized vehicle (Chang: column 5, lines 1-6: "...when large items are being transported...") at the remote location (Chang: column 6, lines 10-15), as in the claims.

Regarding claim 223, Chang discloses causing a payment to be provided to the remote viewer of the viewer device (Chang: column 6, lines 20-35), as in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 191-192, 203-204, and 224-225 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Ramirez-Diaz (hereinafter referred to as "Ramirez-Diaz").

Chang discloses an apparatus comprising: a processor (Chang: column 5, lines 45-50); and a storage device for directing the processor (Chang: column 6, lines 1-5), the processor being operative with the program to perform a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: obtaining at a server from a sensor located a remote location (Chang: column 4, lines 26-50), an image of the remote location (Chang: column 3, lines 50-65); providing an image to a remote viewer of a viewer device (Chang: column 4, lines 50-57); determining a response of the remote viewer to the image (Chang: column 5, lines 1-5); determining, based on the response, a status of the remote location (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a second respones (Chang: column 5, lines 1-5), as in claim 191. However, Chang fails to disclose the use

of a program for directing the processor to perform the method. Ramirez-Diaz discloses the use of a software program for performing method of video monitoring (Ramirez-Diaz: column 6, lines 1-24) in order to efficiently monitor remote locations (Ramirez-Diaz: column 2, lines 30-45). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate the Ramirez-Diaz software embodiment to be executed by the Chang computing platform (Chang: column 6, lines 1-5) in order to efficiently monitor remote locations. The Chang apparatus, now implemented as a software program as shown by Ramirez-Diaz, has all of the features of claim 191.

Chang discloses a method directing the processor (Chang: column 6, lines 1-5) to perform a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: obtaining at a server from a sensor located a remote location (Chang: column 4, lines 26-50), an image of the remote location (Chang: column 3, lines 50-65); providing an image to a remote viewer of a viewer device (Chang: column 4, lines 50-57); determining a response of the remote viewer to the image (Chang: column 5, lines 1-5); determining, based on the response, a status of the remote location (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a second response (Chang: column 5, lines 1-5), as in claim 192. However, Chang fails to disclose the use of a program in the form a computer readable medium encoded with instructions for directing the processor to perform the method. Ramirez-Diaz discloses the use of a software program in the form of a computer readable medium (Ramirez-Diaz: column 3, lines 30-40) encoded with instructions for performing method of video monitoring (Ramirez-Diaz: column 6, lines 1-24) in order to efficiently monitor remote

locations (Ramirez-Diaz: column 2, lines 30-45). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate the Ramirez-Diaz software embodiment to be executed by the Chang computing platform (Chang: column 6, lines 1-5) in order to efficiently monitor remote locations. The Chang method, now implemented as a software program in the form of a computer readable medium with encoded instructions thereon as shown by Ramirez-Diaz, has all of the features of claim 192.

Chang discloses an apparatus comprising: a processor (Chang: column 5, lines 45-50); and a storage device for directing the processor (Chang: column 6, lines 1-5), the processor being operative with the program to perform a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: receiving (Chang: column 4, lines 30-35), at a server from a user of a remote device (Chang: column 4, lines 45-50), a response to data descriptive of a remote location that was provided to the user (Chang: column 4, lines 1-3); determining, by the server, a status of the remote location based on the response (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a second response (Chang: column 5, lines 1-5); and initiating a predetermined action if the status is determined to be a first status (Chang: column 5, lines 25-35), as in claim 202. However, Chang fails to disclose the use of a program for directing the processor to perform the method. Ramirez-Diaz discloses the use of a software program for performing method of video monitoring (Ramirez-Diaz: column 6, lines 1-24) in order to efficiently monitor remote locations (Ramirez-Diaz: column 2, lines 30-45). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate the Ramirez-Diaz software embodiment to be executed by

the Chang computing platform (Chang: column 6, lines 1-5) in order to efficiently monitor remote locations. The Chang apparatus, now implemented as a software program as shown by Ramirez-Diaz, has all of the features of claim 202.

Chang discloses a method directing the processor (Chang: column 6, lines 1-5) to perform a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: receiving (Chang: column 4, lines 30-35), at a server from a user of a remote device (Chang: column 4, lines 45-50), a response to data descriptive of a remote location that was provided to the user (Chang: column 4, lines 1-3); determining, by the server, a status of the remote location based on the response (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a second response (Chang: column 5, lines 1-5); and initiating a predetemined action if the status is determined to be a first status (chang: column 5, lines 25-35), as in claim 203. However, Chang fails to disclose the use of a program in the form a computer readable medium encoded with instructions for directing the processor to perform the method. Ramirez-Diaz discloses the use of a software program in the form of a computer readable medium (Ramirez-Diaz: column 3, lines 30-40) encoded with instructions for performing method of video monitoring (Ramirez-Diaz: column 6, lines 1-24) in order to efficiently monitor remote locations (Ramirez-Diaz: column 2, lines 30-45). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate the Ramirez-Diaz software embodiment to be executed by the Chang computing platform (Chang: column 6, lines 1-5) in order to efficiently monitor remote locations. The Chang method, now

implemented as a software program in the form of a computer readable medium with encoded instructions thereon as shown by Ramirez-Diaz, has all of the features of claim 203.

Chang discloses an apparatus comprising: a processor (Chang: column 5, lines 45-50); and a storage device for directing the processor (Chang: column 6, lines 1-5), the processor being operative with the program to perform a method for monitoring the security of a remote location (Chang: column 3, lines 5-20), comprising: forwarding (Chang: column 4, lines 26-50) the image (Chang: column 3, lines 50-65) to a first viewer remote viewer of a first viewer (Chang: column 4, lines 50-57); querying the first viewer to determine whether the first viewer perceives in the first image an apparent impairment of the security of remote location (Chang: column 5, lines 1-5); receiving a response to the query from the first viewer (Chang: column 4, lines 1-5); determining if the security of the remote location has apparently been impaired if the response indicates that the first viewer does perceive an apparent impairment of the security of the remote location (Chang: column 5, lines 1-5); and initiating a predetermined action if the response indicates that the first viewer does perceive an apparent impairment of the security of the location (Chang: column 4, lines 13-17), as in claim 224. However, Chang fails to disclose the use of a program for directing the processor to perform the method. Ramirez-Diaz discloses the use of a software program for performing method of video monitoring (Ramirez-Diaz: column 6, lines 1-24) in order to efficiently monitor remote locations (Ramirez-Diaz: column 2, lines 30-45). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate the Ramirez-Diaz software embodiment to be executed by the Chang computing platform (Chang: column 6, lines 1-5) in order to efficiently monitor remote

locations. The Chang apparatus, now implemented as a software program as shown by Ramirez-Diaz, has all of the features of claim 224.

Chang discloses a method directing the processor (Chang: column 6, lines 1-5) to perform a method for monitoring a remote location (Chang: column 3, lines 5-20), comprising: receiving (Chang: column 4, lines 30-35), at a server from a user of a remote device (Chang: column 4, lines 45-50), a response to data descriptive of a remote location that was provided to the user (Chang: column 4, lines 1-3); determining, by the server, a status of the remote location based on the response (Chang: column 5, lines 6-15), wherein the status of the remote location is determined to be a first status if the response is a first response (Chang: column 6, lines 45-55); and a second status if the response is a second response (Chang: column 5, lines 1-5); and initiating a predetemined action if the status is determined to be a first status (chang: column 5, lines 25-35), as in claim 225. However, Chang fails to disclose the use of a program in the form a computer readable medium encoded with instructions for directing the processor to perform the method. Ramirez-Diaz discloses the use of a software program in the form of a computer readable medium (Ramirez-Diaz: column 3, lines 30-40) encoded with instructions for performing method of video monitoring (Ramirez-Diaz: column 6, lines 1-24) in order to efficiently monitor remote locations (Ramirez-Diaz: column 2, lines 30-45). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate the Ramirez-Diaz software embodiment to be executed by the Chang computing platform (Chang: column 6, lines 1-5) in order to efficiently monitor remote locations. The Chang method, now implemented as a software program in the form of a computer readable medium with encoded instructions thereon as shown by Ramirez-Diaz, has all of the features of claim 225.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown discloses an event logging system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-6606 for regular communications and (703)-308-6606 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

ANDY RAO
PRIMARY EXAMINER

Andy S. Rao
Primary Examiner
Art Unit 2613

asr

June 15, 2003